



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5375

Introduced 01/26/06, by Rep. Michelle Chavez

SYNOPSIS AS INTRODUCED:

325 ILCS 5/4

from Ch. 23, par. 2054

Amends the Abused and Neglected Child Reporting Act. Provides that "school personnel" who are mandated reporters of child abuse or neglect include administrators and both certified and non-certified school employees. Provides that any school board member who has actual knowledge that a child enrolled in the school district of which he or she is a board member is an abused child as defined in the Act shall immediately report that knowledge to DCFS or cause such a report to be made to DCFS. Provides that within one year after the effective date of this amendatory Act or within one year after becoming a mandated reporter, whichever is later, a person mandated to report suspected abuse or neglect under the Act must do one of the following: (1) read the requirements of the Act concerning mandated reporters, or read a document prepared by or approved by DCFS concerning child abuse and neglect and the making of reports under the Act; or (2) sign a statement, on a form prescribed by or approved by DCFS, to the effect that the person understands his or her responsibilities as a mandated reporter. Makes it a Class 4 felony to fail to make a report to DCFS after receiving 2 or more reports of the same act, incident, or occurrence of child abuse or neglect. Effective immediately.

LRB094 18989 DRJ 54919 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged
8 communications; transmitting false report. Any physician,
9 resident, intern, hospital, hospital administrator and
10 personnel engaged in examination, care and treatment of
11 persons, surgeon, dentist, dentist hygienist, osteopath,
12 chiropractor, podiatrist, physician assistant, substance abuse
13 treatment personnel, funeral home director or employee,
14 coroner, medical examiner, emergency medical technician,
15 acupuncturist, crisis line or hotline personnel, school
16 personnel (including administrators and both certified and
17 non-certified school employees), educational advocate assigned
18 to a child pursuant to the School Code, truant officers, social
19 worker, social services administrator, domestic violence
20 program personnel, registered nurse, licensed practical nurse,
21 genetic counselor, respiratory care practitioner, advanced
22 practice nurse, home health aide, director or staff assistant
23 of a nursery school or a child day care center, recreational
24 program or facility personnel, law enforcement officer,
25 licensed professional counselor, licensed clinical
26 professional counselor, registered psychologist and assistants
27 working under the direct supervision of a psychologist,
28 psychiatrist, or field personnel of the ~~Illinois~~ Department of
29 Healthcare and Family Services ~~Public Aid~~, Public Health, Human
30 Services (acting as successor to the Department of Mental
31 Health and Developmental Disabilities, Rehabilitation
32 Services, or Public Aid), Corrections, Human Rights, or

1 Children and Family Services, supervisor and administrator of
2 general assistance under the Illinois Public Aid Code,
3 probation officer, or any other foster parent, homemaker or
4 child care worker having reasonable cause to believe a child
5 known to them in their professional or official capacity may be
6 an abused child or a neglected child shall immediately report
7 or cause a report to be made to the Department.

8 Any member of the clergy having reasonable cause to believe
9 that a child known to that member of the clergy in his or her
10 professional capacity may be an abused child as defined in item
11 (c) of the definition of "abused child" in Section 3 of this
12 Act shall immediately report or cause a report to be made to
13 the Department.

14 Any school board member who has actual knowledge that a
15 child who is enrolled in the school district of which he or she
16 is a board member is an abused child as defined in Section 3 of
17 this Act shall immediately report that knowledge to the
18 Department or cause such a report to be made to the Department.

19 Whenever such person is required to report under this Act
20 in his capacity as a member of the staff of a medical or other
21 public or private institution, school, facility or agency, or
22 as a member of the clergy, he shall make report immediately to
23 the Department in accordance with the provisions of this Act
24 and may also notify the person in charge of such institution,
25 school, facility or agency, or church, synagogue, temple,
26 mosque, or other religious institution, or his designated agent
27 that such report has been made. Under no circumstances shall
28 any person in charge of such institution, school, facility or
29 agency, or church, synagogue, temple, mosque, or other
30 religious institution, or his designated agent to whom such
31 notification has been made, exercise any control, restraint,
32 modification or other change in the report or the forwarding of
33 such report to the Department.

34 The privileged quality of communication between any
35 professional person required to report and his patient or
36 client shall not apply to situations involving abused or

1 neglected children and shall not constitute grounds for failure
2 to report as required by this Act.

3 A member of the clergy may claim the privilege under
4 Section 8-803 of the Code of Civil Procedure.

5 In addition to the above persons required to report
6 suspected cases of abused or neglected children, any other
7 person may make a report if such person has reasonable cause to
8 believe a child may be an abused child or a neglected child.

9 Any person who enters into employment on and after July 1,
10 1986 and is mandated by virtue of that employment to report
11 under this Act, shall sign a statement on a form prescribed by
12 the Department, to the effect that the employee has knowledge
13 and understanding of the reporting requirements of this Act.
14 The statement shall be signed prior to commencement of the
15 employment. The signed statement shall be retained by the
16 employer. The cost of printing, distribution, and filing of the
17 statement shall be borne by the employer.

18 Within one year after the effective date of this amendatory
19 Act of the 94th General Assembly or within one year after
20 becoming a mandated reporter, whichever is later, a person
21 mandated to report suspected abuse or neglect under this
22 Section must do one of the following:

23 (1) read the requirements of this Act concerning
24 mandated reporters, or read a document prepared by or
25 approved by the Department concerning child abuse and
26 neglect and the making of reports under this Section; or

27 (2) sign a statement, on a form prescribed by or
28 approved by the Department, to the effect that the person
29 understands his or her responsibilities under this
30 Section.

31 The Department shall provide copies of this Act, upon
32 request, to all employers employing persons who shall be
33 required under the provisions of this Section to report under
34 this Act.

35 Any person who knowingly transmits a false report to the
36 Department commits the offense of disorderly conduct under

1 subsection (a)(7) of Section 26-1 of the "Criminal Code of
2 1961". Any person who violates this provision a second or
3 subsequent time shall be guilty of a Class 3 felony.

4 Any person who knowingly and willfully violates any
5 provision of this Section other than a second or subsequent
6 violation of transmitting a false report as described in the
7 preceding paragraph, is guilty of a Class A misdemeanor for a
8 first violation (other than a failure to make a report to the
9 Department after receiving 2 or more reports of the same act,
10 incident, or occurrence of child abuse or neglect) and a Class
11 4 felony for a second or subsequent violation or for failure to
12 make a report to the Department after receiving 2 or more
13 reports of the same act, incident, or occurrence of child abuse
14 or neglect; except that if the person acted as part of a plan
15 or scheme having as its object the prevention of discovery of
16 an abused or neglected child by lawful authorities for the
17 purpose of protecting or insulating any person or entity from
18 arrest or prosecution, the person is guilty of a Class 4 felony
19 for a first offense and a Class 3 felony for a second or
20 subsequent offense (regardless of whether the second or
21 subsequent offense involves any of the same facts or persons as
22 the first or other prior offense).

23 A child whose parent, guardian or custodian in good faith
24 selects and depends upon spiritual means through prayer alone
25 for the treatment or cure of disease or remedial care may be
26 considered neglected or abused, but not for the sole reason
27 that his parent, guardian or custodian accepts and practices
28 such beliefs.

29 A child shall not be considered neglected or abused solely
30 because the child is not attending school in accordance with
31 the requirements of Article 26 of the School Code, as amended.

32 (Source: P.A. 92-16, eff. 6-28-01; 92-801, eff. 8-16-02;
33 93-137, eff. 7-10-03; 93-356, eff. 7-24-03; 93-431, eff.
34 8-5-03; 93-1041, eff. 9-29-04; revised 12-15-05.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.